



SAN FRANCISCO PLANNING DEPARTMENT

Mandatory Discretionary Review Analysis

Dwelling Unit Merger

HEARING DATE JUNE 10, 2010

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: June 3, 2010
Case No.: 2010.0210D
Project Address: 2037 - 39 JEFFERSON STREET
Zoning: RH-2 (Residential, House, Two-Family)
40-X Height and Bulk District
Block/Lot: 0915/012C
Project Sponsor: Lee Banks
2039 Jefferson Street
San Francisco, CA 94123
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org
Recommendation: Take Discretionary Review and disapprove the application

PROJECT DESCRIPTION

The proposal is to merge two dwelling units into a single-family residence within a two-story over garage building. The proposal will involve interior renovations related to removing a kitchen and interior partitions in order to merge the units.

SITE DESCRIPTION AND PRESENT USE

The subject site is located on the south side of Jefferson Street between Broderick and Baker Streets in the Marina neighborhood. The site has approximately 25 feet of lot frontage with a lot depth of approximately 137 feet, containing approximately 3,400 square feet. It contains a two-story over garage circa 1920 vernacular building that occupies approximately 55 percent of the site.

The building is comprised of an entrance lobby and tandem parking for two cars on the ground floor, a three-bedroom flat on the second floor, containing approximately 1,700 square feet, and an identical second flat on the third floor. The proposal is to merge the two flats into a single-family dwelling. Upon completion, the proposed dwelling unit will consist of approximately 4,900 square feet. The subject property is within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk district.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood predominantly consists of single-family residences and some two-unit and larger apartment buildings. The subject block is split in terms of zoning designation. Properties to the west fronting on Baker Street are zoned RH-1 while properties to the east of the project site, fronting

on Broderick Street, are zoned RM-2 and RH-3, which allows higher density at a rate of three or more units. The adjacent properties to the west, east and south of the subject property are single-family residences.

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|-----------------------|-----------------|----------------------|--------------------|---------------|
| Posted Notice for 311 | 30 days | May 3, 2010 | May 3, 2010 | 36 days |
| Posted Notice for DR | 10 days | May 31, 2010 | May 31, 2010 | 10 days |
| Mailed Notice for DR | 10 days | May 31,2010 | May 3, 2010 | 36 days |

PUBLIC COMMENT

| | SUPPORT | OPPOSED | NO POSITION |
|--|---------|---------|-------------|
| Adjacent neighbor(s) | 0 | 0 | 0 |
| Other neighbors on the block or directly across the street | 0 | 0 | 0 |
| Neighborhood groups | 0 | 0 | 0 |

Department staff has not received any telephone inquiries or correspondence either in support of or in opposition to the proposed project.

PROJECT ANALYSIS

DWELLING UNIT MERGER (DUM) CRITERIA

Below are the five criteria to be considered by the Planning Commission in evaluating dwelling unit mergers pursuant to Section 317 of the Planning Code, effective May 18, 2008:

1. Removal of the units would eliminate only owner occupied housing, and if so, for how long the units proposed to be removed have been owner occupied;

Project Does Not Meet Criteria

According to the project sponsor, the subject property was purchased in January, 2009. The unit on the third floor, proposing to be merged with the lower unit, has been and is currently occupied by a tenant.

2. Removal of the units and the merger with another is intended for owner occupancy;

Project Meets Criteria

The project sponsor's family will be occupying the building.

3. Removal of the units will bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district;

Project Meets Criteria

The prevailing density in the area is predominantly single-family residences. The density of the subject block ranges from single-family dwellings, two-family dwellings to high density apartment buildings. Within the same zoning district of RH-2 in the immediate area, two of the highest density percentages are: single-family residences at approximately 48 percent, while two dwelling units are at 28 percent.

4. Removal of the units will bring the building closer into conformance with prescribed zoning; and

Project Does Not Meet Criteria

The subject property is zoned RH-2, which permits two dwelling units.

5. Removal of the units is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

Project Does Not Meet Criteria

The existing dwelling units (identical in layout) contain three bedrooms each with separate rooms for dining, living and kitchen, and one full-bath and a half bath. There are no "functional deficiencies".

GENERAL PLAN COMPLIANCE:

The Project is not consistent with the following Objective and Policy of the General Plan:

HOUSING ELEMENT

Housing Retention

Objective and Policy

OBJECTIVE 2:

RETAIN THE EXISTING SUPPLY OF HOUSING.

Policy 2.2:

Control the merger of residential units to retain existing housing.

The City's general Plan discusses the fact that existing rental housing stock is virtually irreplaceable given the cost of new construction. One family-sized unit will be removed from the City's rental housing stock.

SECTION 101.1 PRIORITY POLICIES

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project does not comply with these policies as follows:

1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

This is not applicable since the property is a residential use.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

Although the subject building was originally a single-family residence, it was converted with permit to a two-unit building in 1981.

3. That the City's supply of affordable housing be preserved and enhanced.

One family-sized unit will be removed from the City's rental housing stock.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposal will not impede MUNI service or overburden streets or neighborhood parking. Public transit lines are available nearby on Divisadero Street.

5. A diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

This is not applicable since the property is a residential use.

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposal will comply with applicable code standards.

7. Landmarks and historic buildings be preserved.

The building is not a landmark nor identified in any survey ratings.

8. Parks and open space and their access to sunlight and vistas be protected from development.

The proposal will not affect any existing parks or open spaces.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the environmental review process under Section 15061(b)(3) of the State CEQA (California Environmental Quality Act) Guidelines, pursuant to Title 14 of the California Administrative Code.

BASIS FOR RECOMMENDATION

- The project does not meet a majority of the dwelling unit merger criteria.

- The project will remove a family-sized unit, and will not bring the building into conformance with the prescribed zoning.

RECOMMENDATION: Take Discretionary Review and disapprove the application

Attachments:

Parcel Map

Sanborn Map

Aerial Photo

Zoning Map

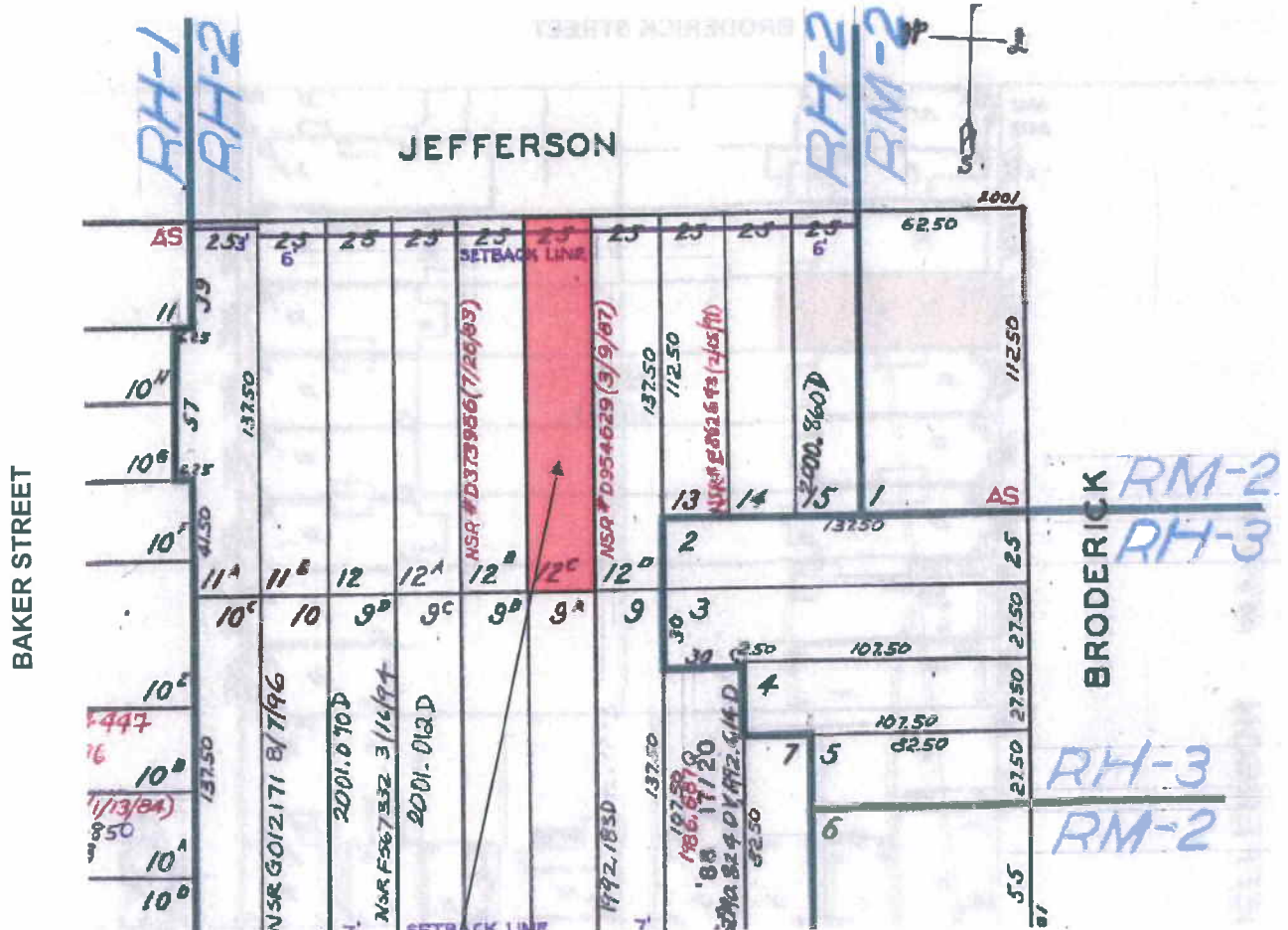
Section 311 Notice

Section 317 Application submittal by Applicant:

- DUM Criteria
- Photographs
- Reduced Plans

mw: G:\Documents\DR\2037 - 39 Jefferson St\DUM per 317.doc

Zoning / Parcel Map



SUBJECT PROPERTY

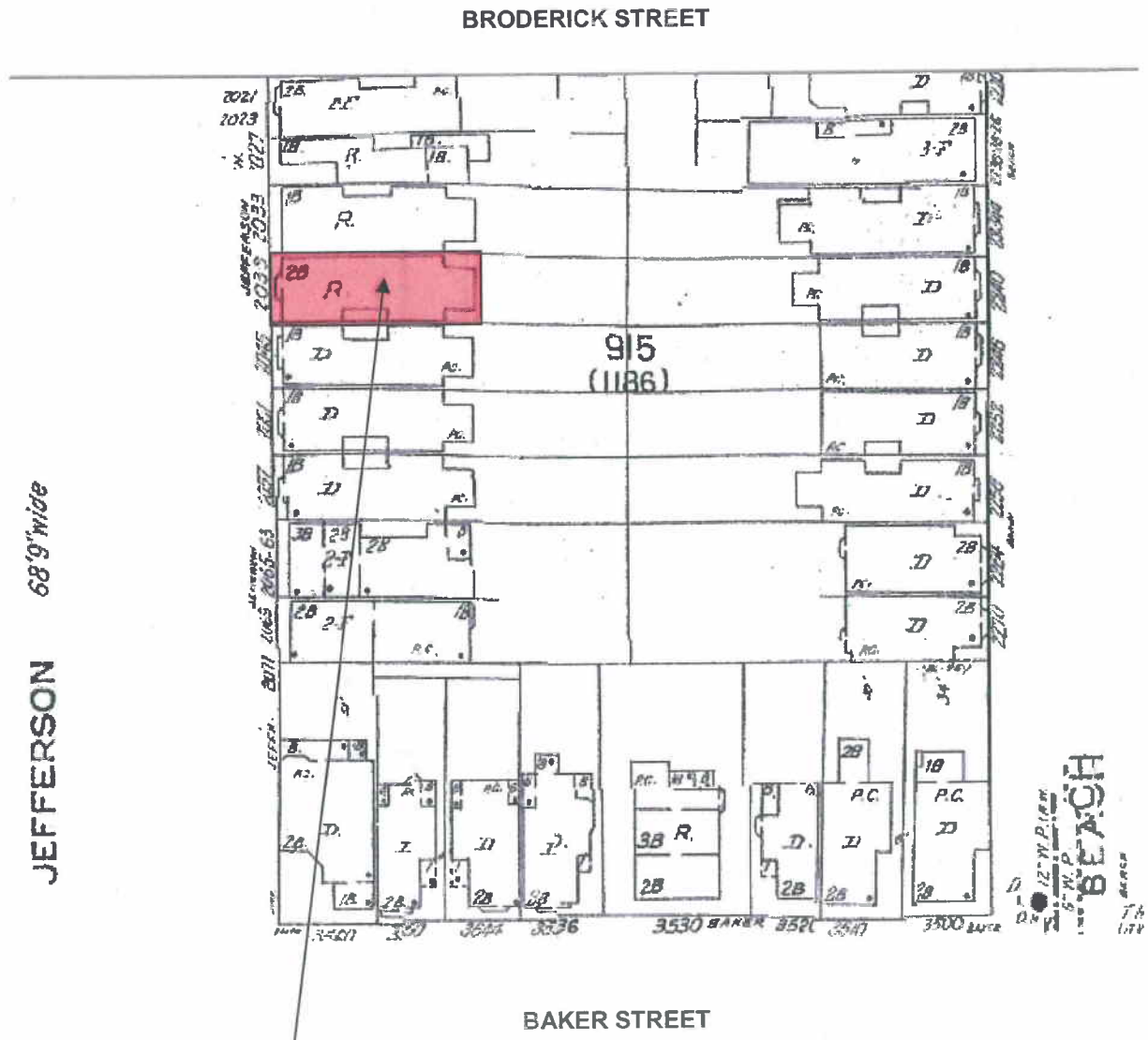
BEACH STREET



Mandatory Discretionary Review Hearing
 Case Number 2010.0210D
 2037 - 39 Jefferson Street

Sanborn Map*

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



SUBJECT PROPERTY

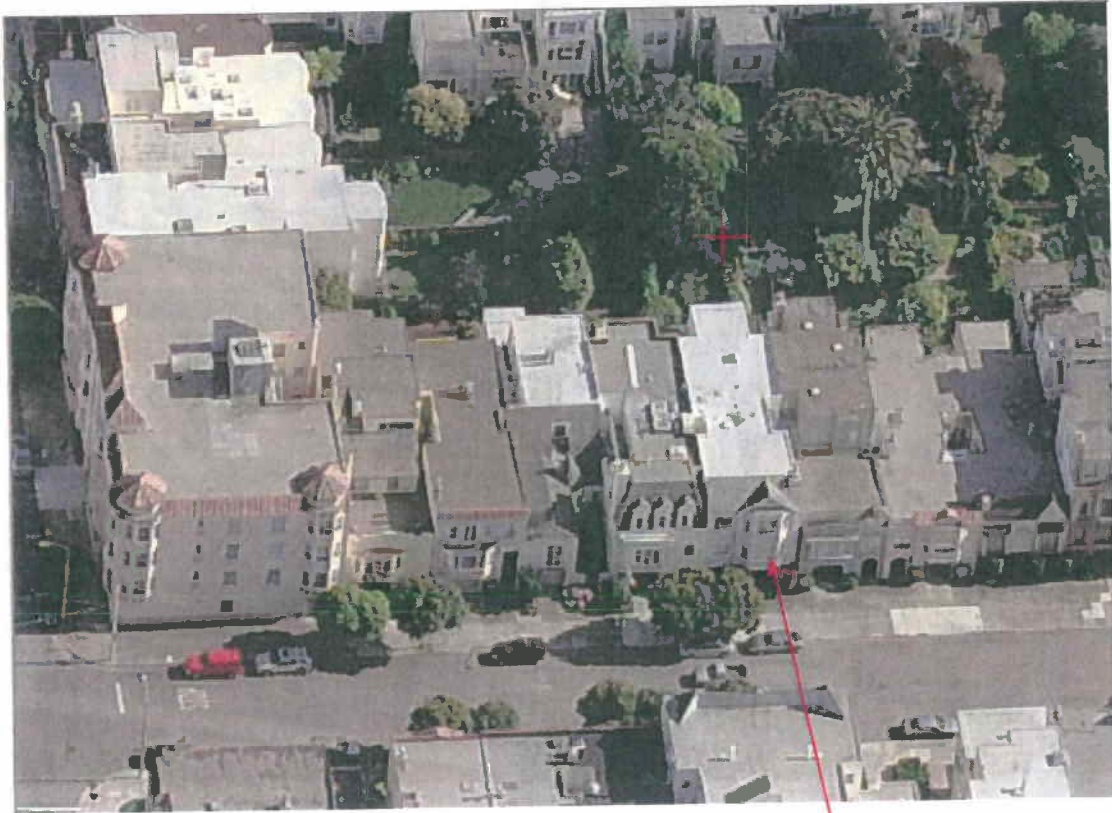
Mandatory Discretionary Review Hearing
 Case Number 2010.0210D
 2037 - 39 Jefferson Street



Aerial Photo

Beach Street

Broderick Street



Baker Street

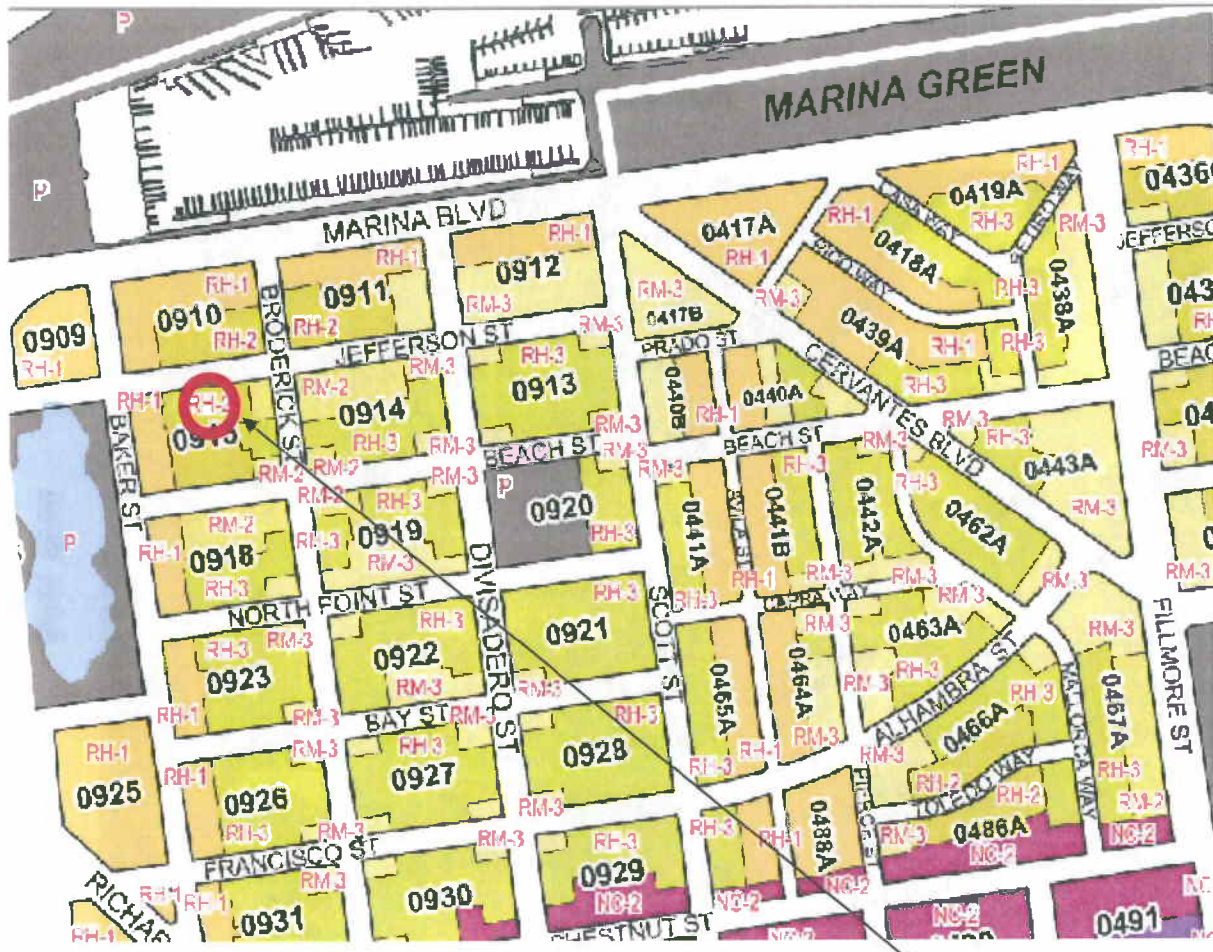
Jefferson Street

SUBJECT PROPERTY



Zoning Map

PLAN FACIAL ACCESS PARK



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-5

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-OSD

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

MISSION BAY DISTRICTS

MB-OS MB-O

PUBLIC DISTRICT

P

PROJECT SITE



Mandatory Discretionary Review Hearing
Case Number 2010.0210D
2037 - 39 Jefferson Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On November 25, 2009, the Applicant named below filed Building Permit Application No. 2009.11.25.2147S (Alteration) with the City and County of San Francisco.

| CONTACT INFORMATION | | PROJECT SITE INFORMATION | |
|---------------------|---------------------------------------|----------------------------|-----------------------------|
| Applicant: | Lee Banks c/o Steve Swason, Architect | Project Address: | 2037 - 39 Jefferson Street |
| Address: | 12800 Shenandoah Road | Cross Streets: | Baker and Broderick Streets |
| City, State: | Plymouth, CA 95669 | Assessor's Block /Lot No.: | 0915 / 012C |
| Telephone: | (209) 245-4376 | Zoning Districts: | RH-2 / 40-X |

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

| PROJECT SCOPE | | | |
|---|--------|--|--|
| <input type="checkbox"/> DEMOLITION | and/or | <input type="checkbox"/> NEW CONSTRUCTION | or <input checked="" type="checkbox"/> ALTERATION |
| <input type="checkbox"/> VERTICAL EXTENSION | | <input checked="" type="checkbox"/> CHANGE # OF DWELLING UNITS | <input checked="" type="checkbox"/> FACADE ALTERATION(S) |
| <input type="checkbox"/> HORIZ. EXTENSION (FRONT) | | <input type="checkbox"/> HORIZ. EXTENSION (SIDE) | <input type="checkbox"/> HORIZ. EXTENSION (REAR) |

| PROJECT FEATURES | EXISTING CONDITION | PROPOSED CONDITION |
|--|--------------------|--------------------|
| FRONT SETBACK | 6 feet | No change |
| BUILDING DEPTH..... | 75.6 feet | No change |
| REAR YARD..... | 56 feet | No change |
| HEIGHT OF BUILDING | 30 feet | No change |
| NUMBER OF STORIES..... | 3 | No change |
| NUMBER OF DWELLING UNITS..... | 2 | 1 |
| NUMBER OF OFF-STREET PARKING SPACES..... | 2 tandem | No change |

PROJECT DESCRIPTION

The existing building is authorized as a two-unit building. The proposal is to merge the lower unit with the upper unit in order to create a single-family residence. Other exterior/facade alterations are proposed. This building permit application is subject to a Mandatory Discretionary Review (Case No. 2010.0210D) action by the Planning Commission for dwelling unit merger per Planning Code Section 317. A public hearing before the Planning Commission is scheduled for June 10, 2010 at 1:30 p.m. in City Hall.

If you have any questions about this permit application, please contact the Planner listed below.

PLANNER'S NAME: Mary Woods
 PHONE NUMBER: (415) 558-6315
 EMAIL: mary.woods@sfgov.org

DATE OF THIS NOTICE: 5-3-2010
 EXPIRATION DATE: 6-3-2010



SAN FRANCISCO PLANNING DEPARTMENT

Section 317 Application

Section 317 of the Planning Code requires that a public hearing will be held prior to approval of any permit that will remove existing housing, with certain codified exceptions. Where a project will result in the loss of one or two residential units, the project is subject to a Mandatory Discretionary Review (DR) hearing before the Planning Commission, unless the Code specifically requires Conditional Use (CU) Authorization. Projects resulting in the loss of three or more units will require a Conditional Use hearing by the Planning Commission. If a Conditional Use is required, attach this Application as a supplemental document. All projects subject to Section 317 must fill out this cover sheet and the relevant attached Form(s) (A, B, or C), and contact Georgia Powell at (415) 558-6371 to schedule an intake appointment.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Fax:
415.558.6409

Planning
Information:
415.558.6377

| PROJECT ADDRESS: 2037/39 JEFFERSON ST. | | NAME: STEVE SWASON | | |
|--|---|---------------------------------|----------|------------|
| BLOCK/LOT: 0915/0122 | | ADDRESS: 12800 SHENAN DOAN RD | | |
| ZONING: RH-2 | | CITY, STATE: PLYMOUTH, CA 95669 | | |
| LOT AREA 3436 | | PHONE: 415-297-1946 | | |
| # | PROJECT INFORMATION | EXISTING | PROPOSED | NET CHANGE |
| 1 | Total number of units | 2 | 1 | 1 |
| 2 | Total number of parking spaces | 2 | 2 | 0 |
| 3 | Total gross habitable square footage | 4941 | 4941 | 0 |
| 4 | Total number of bedrooms | 6 | 3 | 3 |
| 5 | Date of property purchase | 01.09 | | |
| 6 | Number of rental units | 1 | 0 | 1 |
| 7 | Number of bedrooms rented | 3 | 0 | 3 |
| 8 | Number of units subject to rent control | 2 | 1 | 1 |
| 9 | Number of bedrooms subject to rent control | 6 | 3 | 3 |
| 10 | Number of units currently vacant | 0 | 0 | 0 |
| 11 | Was the building subject to the Ellis Act within the last decade? | NO | | |
| 12 | Number of owner-occupied units | 1 | 1 | 0 |

I have read and understood the information in this Application, including the required payment of time and material fees for processing this Application. I certify that I will pay all Planning Department time and material costs for processing this Application, as required by Sections 350(c) and 352(B) of the Planning Code.

Signature: C. Swason Printed Name: C. STEVEN SWASON Date: 4.06.10

Loss of Dwelling Units through Merger

(FORM B - COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(e), the merger of residential dwelling-units not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative review criteria only apply to those Residential Units proposed for Merger that are (1) not affordable or financially accessible housing are exempt from Mandatory DR (valued by a credible appraisal within the past six months that exceeds our adopted threshold (see website under Publications for Section 317 Numerical Values) or (2) meet a supermajority of the merger criteria listed below.

Please state how the project meets or does not meet the following criteria:

1. Does the removal of the unit(s) eliminate only owner-occupied housing, and if so, for how long was the unit(s) proposed to be removed owner-occupied?
NO, THE UNIT ADDRESS TO BE ELIMINATED WILL BE THAT OF THE RENTAL. THE OWNER-OCCUPIED WILL BE EXPANDED TO INCLUDE AREA OF LEVEL 3.
2. Is the removal of the unit(s) and the merger with another intended for owner occupancy?
YES, THE OWNER'S UNIT (LEVEL 2) + LEVEL 3, WILL BE COMBINED + RENOVATED INTO A 3 BDRM SGL FAM. RESID MORE IN KEEPING W/ RESID. OF THIS AREA
3. Will the removal of the unit(s) bring the building closer into conformance with the prevailing density in its immediate area and in the same zoning district?
YES, A PHYSICAL COUNT REVEALED. ON JEFF SQ. 6 SF, 4 MU, JEFF NO. 7 SF, 4 MU, PALMER E. 7 SF, 1 MU, BEACH NO. 8 SF, 1 MU, BRD. W. 3 SF, 2 MU TOTALS: 28 SF 12 MU.
4. Will the removal of the unit(s) bring the building closer into conformance with the prescribed zoning?
NO, THIS AREA IS RH-2, W/ RH-1 TO THE WEST, AND RM-2 3RH-3 TO THE EAST
5. Is the removal of the unit(s) necessary to correct design or functional deficiencies that cannot be corrected through interior alterations?
FROM BOTH A DESIGN + FUNCTIONAL STANDPOINT YES. THE ENTRY SOLUTION TO THE OWNER'S UNIT THAT WAS CREATED WHEN THE RENTAL UNIT WAS ADDED IN 1984 IS VERY UNSUCCESSFUL. THE FRONT DOOR DEPOSITS ONE DIRECTLY INTO THE DINING ROOM. THERE IS NO ALTERATION THAT WOULD CORRECT THIS SITUATION.

Priority General Plan Policies – Planning Code Section 101.1

(APPLICABLE TO ALL PROJECTS SUBJECT TO THIS APPLICATION)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain *why* it is not applicable.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
THIS IS A RESIDENTIAL PROJECT.
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods; THE FACADE WORK WILL RETURN THE RESIDENCE CLOSER TO IT'S ORIGINAL IMAGE
3. That the City's supply of affordable housing be preserved and enhanced; THIS BLDG CONTAINS NO " " .
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking; THIS BLDG HAS TWO GARAGE PARKING SPACES THIS NO STREET PARKING NEEDED.
5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced; THIS IS A RESIDENTIAL PROJECT - NOT INDUSTRIAL
6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake; ALL IMPROVEMENTS WILL BE BUILT TO THE 2007 CAL. BLDG CODE
7. That landmarks and historic buildings be preserved; and THIS BLDG IS NOT HISTORIC BUT EXTERIOR IMPROVEMENTS WILL BE DONE TO ENHANCE HISTORICAL FEATURES.
8. That our parks and open space and their access to sunlight and vistas be protected from development. THE BLDG ENVELOPE WILL NOT BE ENLARGED; THEREFORE NOT AFFECTING SUNLIGHT & VISTAS.



2037/3 JEFFERSON ST

NORTH

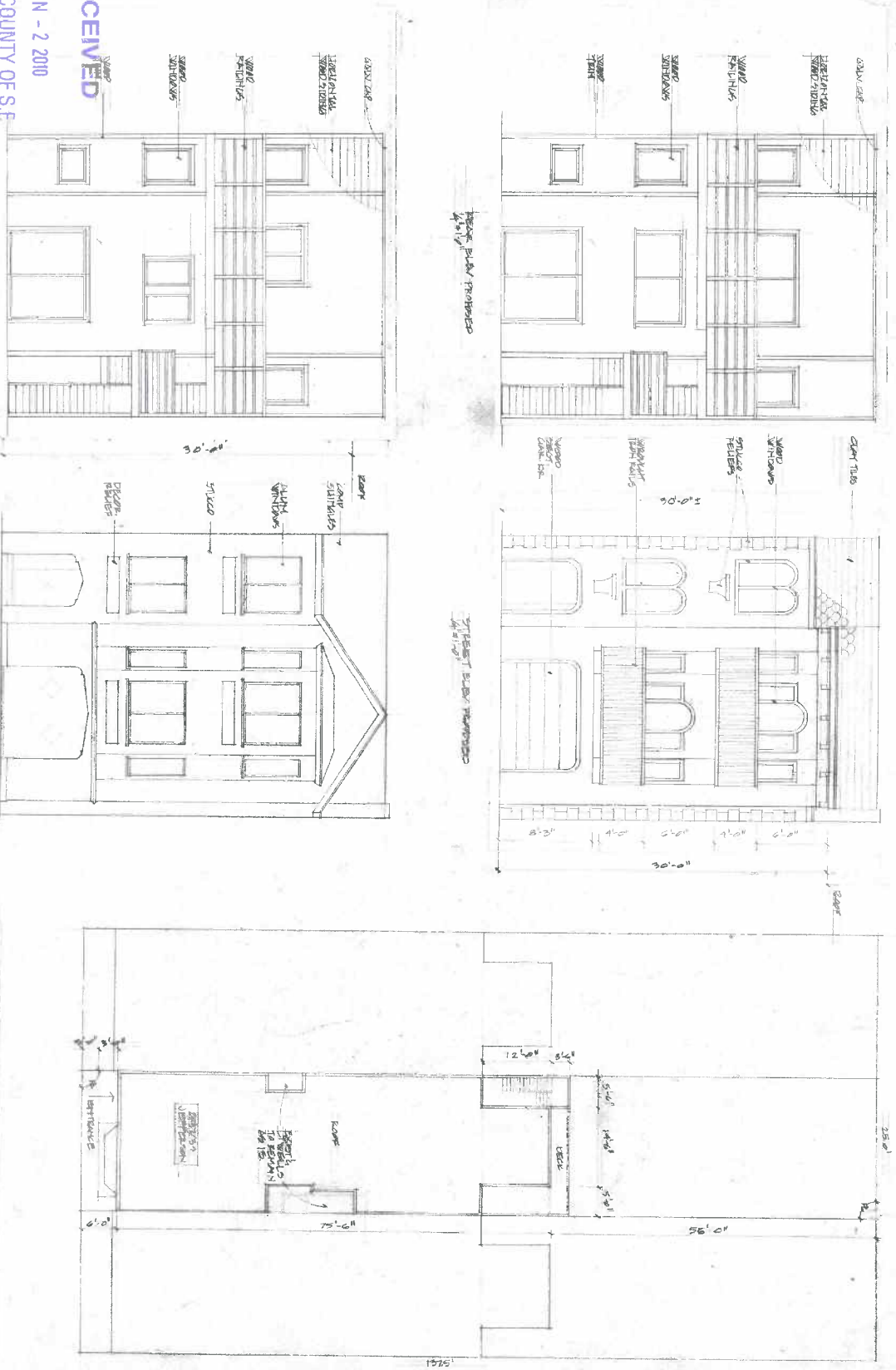


SUBJECT: 2037/1 JEFFERSON ST



C. STEVEN SWANSON
A R C H I T E C T
 12800 Sheppard Ave. East
 Plymoufth, CA 94963
 (709) 243-3378 fax: 248 6613

SHEET WORK
 ALL OTHER WORK
 AS SHOWN ON THE SHEET
 AS SHOWN ON THE SHEET
 AS SHOWN ON THE SHEET

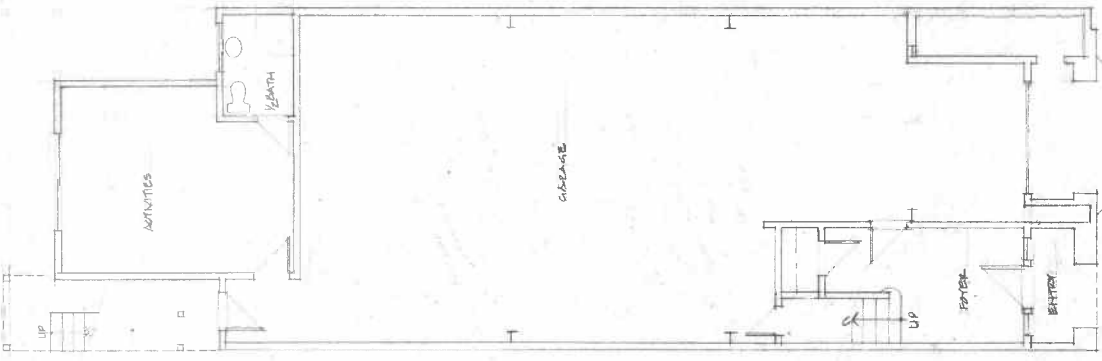


RECEIVED
 JUN - 2 2010
 CITY & COUNTY OF S.F.
 PLANNING DEPARTMENT
 NEIGHBORHOOD PLANNING

REAR ELEVATION

STREET ELEVATION

STEVEN SWANSON
 ARCHITECT



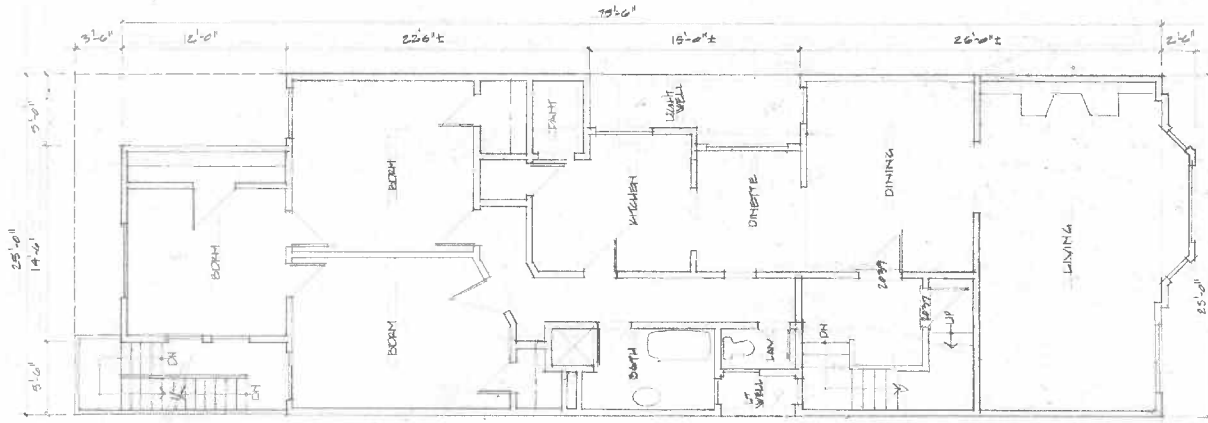
BLOCK BY PT (EXIST)

| | |
|--------------|-------------|
| GRADE LEVEL | 1109 |
| ACTIVITIES | 799 |
| GARAGE | 178 |
| BATH | 1027 |
| TOTAL | 1027 |

| | |
|--------------|------------|
| LEVEL TOP | 1057 |
| LEVEL THREE | 1057 |
| TOTAL | 491 |

2007/00 JUMP START ST
 SAN FRANCISCO 94105
 PERMIT NO. 151510

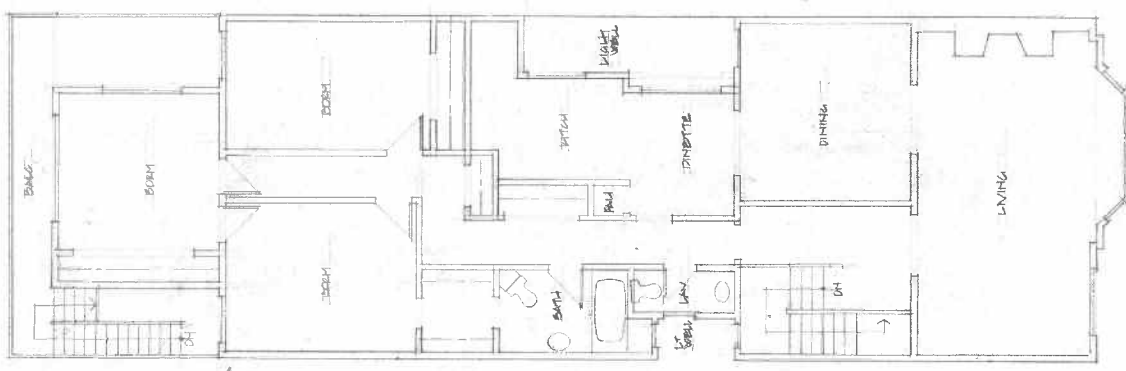
PLAN NO. 1027



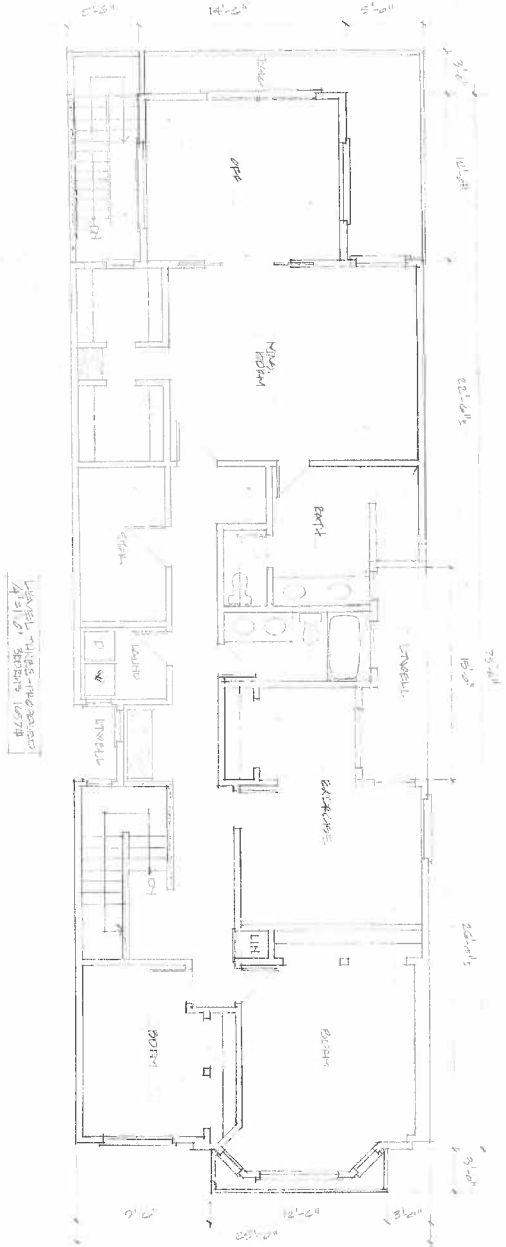
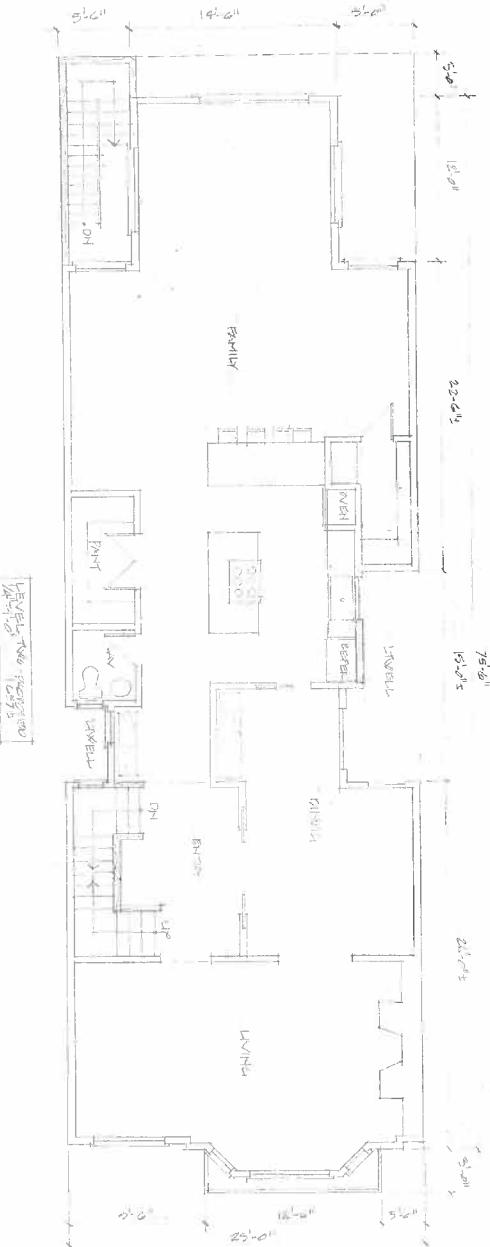
GRADE LEVEL 1027

| | |
|--------------|-------------|
| ACTIVITIES | 1027 |
| GARAGE | 178 |
| TOTAL | 1205 |

LEVEL TOP (B) 1057
 3 BORN



LEVEL TOP (B) 1057
 3 BORN



C. STEVEN SWASON
 ARCHITECT
 12800 Stearns Road
 Plymouth, CA 95969
 916-338-9494 FAX 916-338-1173

BLDG. 50A (PROPOSED)
 LEVEL LABEL 1027
 PLAN NO. 1027
 LEVEL THREE
 TOTAL 474

2037/21, 18 SWASON ST
 SAN FRANCISCO 94123
 FEHHT/WDK 11/24/93
 215/110

PLAN FLOOR - PROPOSED